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Docket No: NMS-0007A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :

VAGHI, Nino R. :

Serail No. 09/584,099 :

Filed: May 31, 2000 :

Confirmation No. 4453

Group Art Unit: 3629

Examiner: Charles, D.

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For: INTEGRATED ELECTRONIC SCALE, AND A SYSTEM AND METHOD WHICH  
USES THE SCALE AUTOMATICALLY TO COMPUTE POSTAL/CARRIER RATES

REQUEST FOR RECONSIDERATION

Assistant Commissioner for Patents  
Washington, D. C. 20231

Sir:

The following amendments and remarks are submitted in response to the non-final Office  
Action mailed on January 14, 2003 in connection with the above-identified application.

Claims 21-33 are pending.

Reconsideration of the application is respectfully requested for the following reasons.

At the outset, Applicant wishes to thank the Examiner and her supervisor for extending  
Applicant's representative an interview on April 4, 2003 to discuss the rejections in the Office Action.  
During the interview, it was emphasized that none of the references of record are sufficient to establish  
a *prima facie* case of obviousness for any of the presently pending claims, whether those references  
are taken alone or in combination. At the conclusion of the interview, the Examiner indicated that she  
would postpone making her decision regarding the allowability of the claims pending review of this  
paper. A summary of Applicant's rationale submitted to traverse the rejections in the Office Action is

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outlined below. (It is Applicant's understanding that an Interview Summary record detailing the issues discussed and consistent with the agreed-upon language is forthcoming from the Examiner.)

In the Office Action the Examiner rejected claims 21, 23, 24, 28, 30, and 32 under 35 USC § 103(a) for being obvious in view of a combination formed between the Baitz and EerNisse patents. This rejection is traversed for the following reasons.

It is well settled that in order to establish a *prima facie* case of obviousness, two requirements must be satisfied. First, the cited references must teach or suggest all the features in the claims. Second, there must have been some teaching or suggestion in existence at the time the claimed invention was made that would have led one of ordinary skill in the art to combine the cited references to form the invention. See MPEP § 2143.01 and *In re Rouffet*, 47 USPQ.2d 1459 (Fed. Cir. 1997). The references of record satisfy neither requirement.

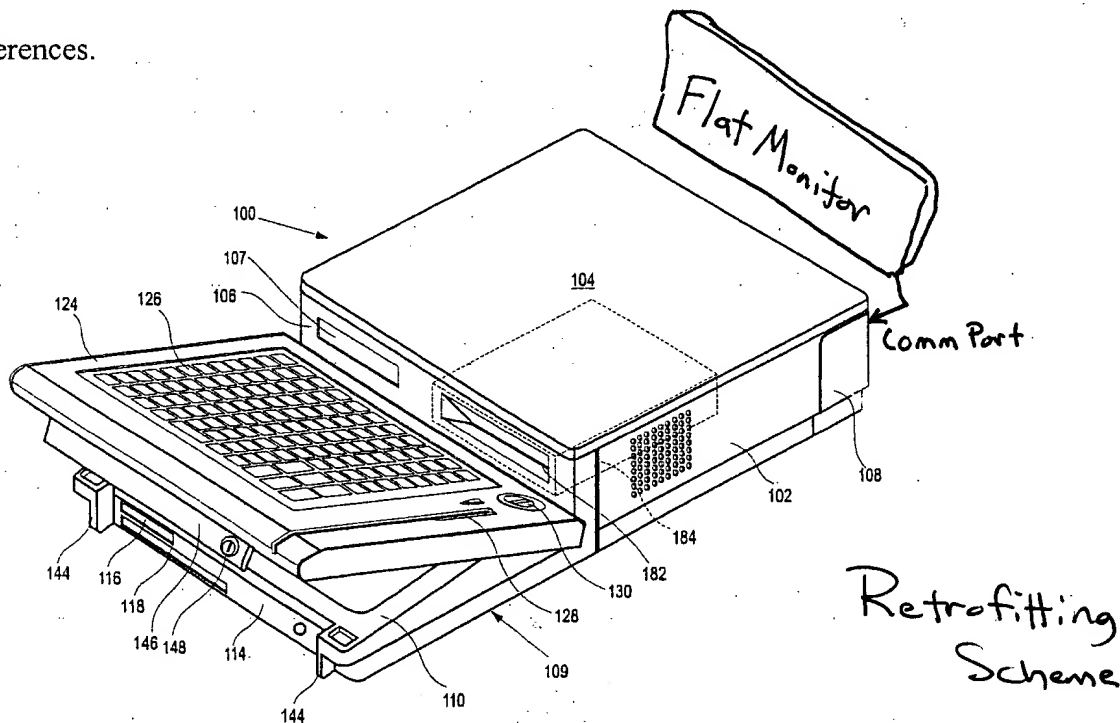
Taking claim 28 first, this claim recites a flat-panel display, comprising a housing, a platform for supporting an item, and a **weighing unit mounted at least partially within the housing** and including a force transducer which outputs a weight signal indicative of a weight of said item when said item is placed on the platform. Illustrative embodiments of such a flat-panel display is shown, for example, in Figures 1-3.

The Baitz patent discloses an electronic scale used in a retail outlet. The scale includes a keyboard connected to an electronics box of the scale. As disclosed at column 1, lines 57-65, a flat monitor with a touch screen may be "retrofitted" onto the scale if desired. From the Baitz disclosure,

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it is apparent that the retrofitting is accomplished by connecting a display to a communications port of the electronics box.

The Baitz patent does not teach or suggest that the retrofitted flat monitor has a housing which at least partially includes a weighing unit of its scale as recited in claim 28. In fact, Baitz teaches away from these features when it discloses the its flat monitor and scale are separate elements which are "retrofitted" or connected together, for example, through a communications port of the scale. An illustration of the Baitz system consistent with its disclosure has been provided below to illustrate these differences.



Because Baitz does not teach or suggest that its flat monitor has a housing which at least partially includes a weighing unit of its scale, it is respectfully submitted that the Baitz patent cannot alone render claim 1 obvious. To make up for the deficiencies of the Baitz patent, the EerNisse patent was cited.

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The EerNisse patent was cited for its disclosure of a weighing unit that includes a force transducer. The EerNisse patent does not teach or suggest a flat-panel display having a housing which at least partially includes a weighing unit of an electronic scale. Consequently, it is submitted that the EerNisse patent cannot make up for deficiencies of the Baitz patent, i.e., does not teach or suggest the features of claim 28 missing from the Baitz scale.

Because the Baitz and EerNisse patents do not individually or collectively teach or suggest all the features recited in claim 28, it is respectfully submitted that a combination of these patents cannot satisfy the first requirement for establishing a *prima facie* case of obviousness for this claim. For at least these reasons, it is respectfully submitted that claim 28 is allowable over the cited combination.

Claim 30 recites CRT monitor for a personal computer, comprising a housing, a platform for supporting an item, and a **weighing unit mounted at least partially within the housing** and including a force transducer which outputs a weight signal indicative of a weight of said item when said item is placed on the platform. As previously discussed the Baitz patent discloses that its flat monitor is retrofitted onto its scale, i.e., the scale and monitor are separate components connected together through a communications port. Neither Baitz nor EerNisse teach or suggest including a weighing unit at least partially mounted within a housing of a CRT monitor. Based on these differences, it is respectfully submitted that claim 30 and its dependent claim 31 are allowable over a Baitz-EerNisse combination.

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Claim 32 recites a CPU for a personal computer, comprising a housing, a platform for supporting an item, and a **weighing unit mounted at least partially within the housing** and including a force transducer which outputs a weight signal indicative of a weight of said item when said item is placed on the platform. The Baitz and EerNisse patents do not teach or suggest these features.

The Baitz patent discloses an electronic scale having an electronics box which includes a data processing and control unit. Applicant respectfully submits that such a box does not constitute a "personal computer." As those skilled in the art can appreciate, a personal computer has a general purpose microprocessor, i.e., one which is programmed to implement a variety of application programs stored in its memory. (See the attachment to this paper). The application programs are not limited to any particular function but rather may include, for example, word processing functions, accounting functions, games, and spreadsheets to mention a few.

One of ordinary skill in the art would not consider the electronics box of Baitz to constitute a "personal computer." As the Baitz patent makes clear, the data processing and control unit within its electronics box is a special-purpose system, i.e., is limited only to performing retail-related functions including weighing products and the function of a cash register. The Baitz patent does not teach or suggest that this data processing and control unit is a general-purpose processor (i.e., one programmed to implement virtually any application program) and thus does not constitute a personal computer as understood in the art.

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In view of the foregoing, it is therefore respectfully submitted that the Baitz patent does not teach or suggest a CPU for a personal computer and thus does not teach or suggest that such a CPU has a housing that at least partially includes a weighing unit as recited in claim 30. The EerNisse patent is also deficient in this respect. For at least these reasons, it is respectfully submitted that claim 32 and dependent claim 33 are allowable over a Baitz-EerNisse combination.

Claims 21, 23, and 24 recite features similar to those which patentably distinguish claims 28, 30, and 32 from a Baitz-EerNisse combination. It is therefore respectfully submitted that these claims are also allowable.

The Examiner rejected claims 26, 27, 31, and 33 under 35 USC § 103(a) for being obvious in view of a combination formed among the Baitz, EerNisse, and Dlugos patents. This rejection is traversed on grounds that each of these claims depends from one the aforementioned independent claims shown to be allowable over a Baitz-Dlugos combination. It is therefore submitted that claims 26, 27, 31, and 33 are allowable over a Baitz-EerNisse combination.

In order to render claims 26, 27, 31, and 33 obvious, the Dlugos patent must teach or suggest the features of their independent claims missing from the Baitz and EerNisse patents. The Dlugos patent discloses a personal computer which is connected to a scale and printer via a cable. Dlugos does not teach or suggest that a weighing unit is at least partially mounted within the housing of a flat-panel display, CRT monitor, or CPU. Accordingly, it is respectfully submitted that the Dlugos patent does not make up for the deficiencies of the Baitz and EerNisse patents.

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For at least these reasons, it is respectfully submitted that claims 26, 27, 31, and 33 are allowable over a Baitz-EerNisse-Dlugos combination.

The Examiner rejected claims 22, 25, and 29 under 35 USC § 103(a) for being obvious over a combination formed between the Dlugos and EerNisse patents. This rejection is traversed for the following reasons.

Claim 29 recites a **printer for a personal computer** and that a **weighing unit is mounted at least partially within the housing** of the printer. The Dlugos patent discloses a printer for a personal computer. See Figure 2, where element 60 which is a printer connected to personal computer CPU unit 50. The Dlugos patent, however, does not teach or suggest that this printer has a housing that at least partially includes a weighing unit as recited in claim 29.

Incidentally, it is noted that the personal computer of Dlugos is also connected to a peripheral device in the form of an integrated unit which includes a scale 34 and printer 44. Printer 44, however, does not function as a printer for personal computer 50, e.g., does not print out word processing documents, etc. Rather, Dlugos makes clear that the sole function of printer 44 is to print information on pieces of mail inserted through one of its slots. (See column 8, line 58 - column 9, line 42). Printer 44, thus, constitutes any one of a variety of conventional postage meter printers. This printer does not constitute a "printer for a personal computer" as recited in claim 29, nor would one skilled in the art recognize printer 44 as such.

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For at least the foregoing reasons, it is respectfully submitted that claim 29 is allowable over Dlugos. The EerNisse patent was cited for its disclosure of a force transducer. EerNisse does not teach or suggest a printer for a personal computer having a housing which at least partially includes a weighing unit. Thus, it is submitted that claim 29 is allowable over any combination that can be formed between the Dlugos and EerNisse patents.

Claim 22 recites features similar to those which patentably distinguish claim 29 from a Dlugos-EerNisse combination.

Claim 25 recites that any one of a CRT monitor, flat-panel display, CPU for a personal computer, and monitor has a housing that at least partially includes a weighing unit. None of the references of record teach or suggest these features, whether taken alone or in combination. It is therefore respectfully submitted that claim 25 is allowable.

Finally, the Examiner issued an obviousness-type double-patenting rejection of claims 21-33 based on the claims in U.S. Patent No. 6,376,783. A Terminal Disclaimer has been filed with this paper to overcome this rejection.

Reconsideration and withdrawal of all the rejections and objections made by the Examiner is hereby respectfully requested.

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of the application is respectfully requested.

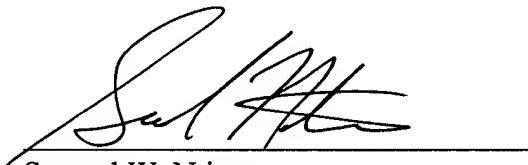


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Should the Examiner believe that further amendments are necessary to place the application in condition for allowance, or if the Examiner believes that a personal interview would be advantageous in order to more expeditiously resolve any remaining issues, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

To the extent necessary, Applicants petition for an extension of time under 37 CFR § 1.136. Please charge any shortage in fees due in connection with this application, including extension of time fees, to Deposit Account No. 16-0607 (Attorney Docket No. NMS-0007A) and credit any excess fees to the same Deposit Account.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Sam Ntiros', is written over a horizontal line.

Samuel W. Ntiros  
Registration No. 39,318

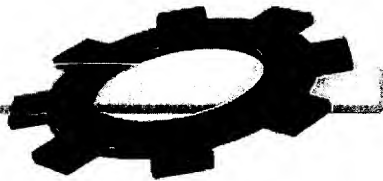
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Dictionary Definition of "personal computer"

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personal computer

(PC) A general-purpose single-user microcomputer designed to be operated by one person at a time.

This term and the concept has been successfully hijacked by IBM due to the huge market share of the IBM PC, despite its many obvious weaknesses when compared to other equally valid claimants to the term, e.g. the Acorn Archimedes, Amiga, Atari, Macintosh.

(1994-11-02)

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